



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

August 11, 2000

Howard L. Rhodes, Director
Air Resources Management Division
Florida Department of Environmental Management
Mail Station 5500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit No. 0990234-001-AV
North County Regional Resource Recovery Facility, West Palm Beach, Florida

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the above referenced proposed title V operating permit for the North County Regional Resource Recovery Facility in West Palm Beach, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on June 29, 2000. This letter also provides our general comments on the proposed permit.

Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit does not contain conditions that assure compliance with all applicable requirements, as required by 40 C.F.R. § 70.6(a), and does not contain the averaging time associated with several of the emission standards, rendering them not enforceable as a practical matter. Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within

the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief of the Operating Source Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Elizabeth Bartlett, Florida Title V Contact, at (404) 562-9122 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,

/s/Winston A. Smith

Winston A. Smith
Director
Air, Pesticides & Toxics
Management Division

Enclosure

cc: Donald L. Lockhart, Solid Waste Authority of Palm Beach County

cc Address: Donald L. Lockhart
Executive Director
Solid Waste Authority of Palm Beach County
North County Resource recovery Facility
7501 North Jog Road
West Palm Beach, Florida 33412

Enclosure

U.S. EPA Region 4 Objection Proposed Part 70 Operating Permit North County Regional Resource Recovery Facility Permit no. 0990234-001-AV

I. EPA Objection Issues

1. Appropriate Averaging Times: The emission limits in conditions A.7, A.9, A.10, A.14, A.16, A.17, A.20, A.21 and A.22 do not contain averaging times. Because the stringency of emission limits is a function of both magnitude and averaging time, appropriate averaging times must be added to the permit in order for the limits to be practicably enforceable. An approach that may be used to address this deficiency is to include a general condition in the permit stating that the averaging times for all specified emission standards are tied to or based on the run time of the test method(s) used for determining compliance.
2. Applicable Requirements - Excess Emissions: Condition E.4 does not assure compliance with applicable requirements of the State Implementation Plan (SIP) regarding excess emissions. More specifically, excess emissions resulting from malfunction are permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions are minimized but in no case exceed three hours per occurrence unless specifically authorized by the Department for longer duration. However, this language is inconsistent with certain rules contained in the Florida SIP. Rule 62-210.700, F.A.C. states:

*Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed **two hours in any 24-hour period** unless specifically authorized by the Department for longer duration.*

Therefore, condition E.4 must be changed to be consistent with the SIP rule.

3. Applicable Requirements - Performance Test Requirements: The permit does not appear to contain all of the applicable requirements regarding performance testing, as specified in 40 C.F.R. § 60.8. Specifically, the performance test requirements of 40 C.F.R. §60.8 (a), (b), (d), (e), and (f) must be added to the Test Methods and Procedures section (T).

Additionally, condition T.8, paragraph (5)(iii) must be changed from “ 7 nanograms per dry standard cubic meter (total mass)” to “**15 nanograms per dry**

standard cubic meter total mass, corrected to 7 percent oxygen” to be consistent with 40 C.F.R §60.38b(b) and rule 62-204.800(8)(a)7.a, F.A.C.

4. Federal Enforceability: Condition T.17 states the following:

*“Compliance with standards in 40 C.F.R. 60, other than opacity standards, shall be determined **only** by performance tests established by 40 C.F.R. 60.8, unless specified in the applicable standard.”*

The language for this condition was taken from 40 C.F.R. 60.11(a), however, the words “in accordance with” were replaced with “only by”. Since adding the word “only” precludes the use of credible evidence for determining compliance, this condition is not federally enforceable. Therefore, this condition must be changed so that it is consistent with 40 C.F.R. 60.11(a).

5. Federally Enforceability: Section II, condition 8 is identified as “not Federally enforceable.” However, this condition is Federally enforceable because Rule 62-296.320(4)(c)2., F.A.C. is part of the Federally approved portion of the Florida SIP. Therefore, the permit must be changed to reflect that condition 8 is Federally enforceable.

II General Comments

1. Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that have not been raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Section II, Condition 11 - 40 C.F.R. Part 70.6 (c)(5)(iii) lists the necessary components of a Title V compliance certification, and requires that those components be included in Title V permits. However, Facility-Wide Condition # 11 of this permit does not specify that the source submit compliance certifications to EPA that contain those required components. This portion of the permit should specifically state that the source is required to submit compliance certifications consisting of the required components. Further, those required components should be listed in the permit.

In this case the list from 40 C.F.R. Part 70.6 (c)(5)(iii) is contained at Appendix TV-3. While it is sufficient to include the list in an Appendix to the permit, the required compliance certification components should at least be mentioned in the permit at the condition requiring the source to submit a Title V compliance

certification to EPA. This will allow the requirement to be clear and enforceable. Therefore, Facility-Wide Condition # 11 of the permit should mention the required components listed at 40 C.F.R. Part 70.6 (c)(5)(iii), and reference the list contained at Appendix TV-3.

Additionally, the permit does not contain the date by which the annual compliance certification should be submitted to EPA. The annual due date for the compliance certification should be included in the permit so that the compliance requirement is clear to not only the permittee, but also any regulating agencies, as well as the public. The compliance date may be explicitly stated (i.e. annually on October 1), or be based upon some other methodology (i.e. annually on the anniversary date of permit issuance, by the end of the first quarter following the anniversary date of permit issuance, etc.).

3. Section III, Condition A.4.8 - This condition specifies the methods of operation and the fuels that are allowed for combustion in the two MSW-fired steam generating units. EPA Region 4 recently identified language present in municipal waste combustor permits, including the proposed permit for the above-referenced facility, which could potentially be misinterpreted by permitted facilities. Condition A.5.1.8(g) states that used oil and used oil filters will be permitted for combustion, and used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 C.F.R § 761.20(e). However, this condition only partially identifies the requirements associated with the burning of used oil and does not sufficiently address the used oil requirements of 40 C.F.R. part 279 or PCB requirements of 40 C.F.R. part 761. EPA Region 4 recommends that, if the source intends to burn “on-specification used oil” at any time during the permit term, the permit should inform the permittee of requirements needed to demonstrate compliance with used oil specification requirements listed under § 279.11, and with the used oil PCB requirements of § 761.20(e), which apply to used oil containing any quantifiable PCBs, i.e., PCB concentrations greater than 2 parts per million. Additional requirements from these sections would apply if the source burned off-specification used oil or used oil with quantifiable levels of PCBs. EPA Region 4 recommends that FDEP revise the permit as appropriate to address this concern.
4. Section III, Condition R.8 - The first sentence of this condition should be changed to read “paragraphs **(1) through (14).**” Paragraphs (12) to (15) should be renumbered as **(11) to (14).**
5. Section III, Condition M.4 - The title and first sentence should be changed to read “Acid Rain **Program** Application.”

6. Periodic Monitoring: As you are aware, on April 14, 2000, the U.S. Court of Appeals for the D.C. Circuit issued an opinion addressing industry's challenge to the validity of portions of EPA's periodic monitoring guidance. See, *Appalachian Power Co. V. EPA*, No. 98-1512 (D.C. Cir., April 14, 2000). The Court found that "State permitting authorities may not, on the basis of EPA's guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conduct more frequent monitoring of its emission than that provided in the applicable State or federal standard, unless that standard requires no periodic testing, specifies no frequency, or requires only a one-time test." While the permit contains testing from "time to time," as discussed in the court opinion, EPA does not consider these conditions sufficient to ensure compliance. In light of the court case, EPA is withholding formal objection on the following item:
- a. Beryllium, Fluoride, and VOC Emissions - The permit does not appear to require sufficient periodic monitoring to ensure compliance with the VOC, beryllium, or fluoride emission limits in conditions A.20, A.21, and A.22, respectively.

Although the condition T.16.2. requires stack testing for these compounds upon renewal, this infrequent testing is not sufficient to provide a reasonable assurance of compliance with emission limits. All Title V permits must contain monitoring that is sufficient to assure compliance with the applicable permit requirements. In particular, 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the applicable emission limits. In addition to demonstrating compliance, a system of periodic monitoring will also provide the source with an indication of their emission unit's performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. Therefore, the permit should include a periodic monitoring scheme that will provide data which is representative of the source's actual performance.

For compliance with the VOC limit, a discussion of how carbon monoxide monitoring indicates good combustion, which affects VOC emissions, should be provided in the statement of basis, accompanied by historical data to support the existing test frequency.

Since metals are controlled along with particulate, and fluoride is removed as an acid gas, and municipal waste boiler Nos 1 and 2 are controlled with spray dryers and electrostatic precipitators, the best approach to address the periodic monitoring requirements may be to utilize parametric monitoring of the control equipment. In order to do this, a correlation needs to be developed between the control equipment parameter(s) to be monitored and the

particulate emission levels. The source needs to provide an adequate demonstration (historical data, performance test, etc.) to support the approach used. In addition, an acceptable performance range for each parameter that is to be monitored should be established. The range, or the procedure used to establish the parametric ranges that are representative of proper operation of the control equipment, and the frequency for re-evaluating the range needs to be specified in the permit. Also, the permit must include a condition requiring a performance test to be conducted if an emission unit operates outside of the acceptable range for a specified percentage of the normal operating time. The Department must set the appropriate percentage of the operating time that would serve as trigger for this testing requirement. If additional monitoring is not required, a technical demonstration must be included in the statement of basis explaining why the State has chosen not to require any additional particulate matter testing for this unit. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.